

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

ANDREW BYRD,

Plaintiff,

v.

GARFIELD COUNTY DETENTION
FACILITY, et al.,

Defendants.

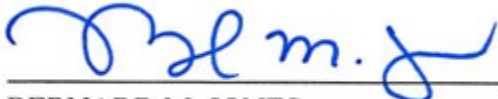
Case No. CIV-24-157-J

ORDER

Plaintiff, a prisoner appearing pro se and in forma pauperis, brings this action pursuant to 42 U.S.C. § 1983. The matter was referred to United States Magistrate Judge Amanda Maxfield Green for initial proceedings consistent with 28 U.S.C. § 636. [Doc. No. 4]. On May 22, 2024, Judge Green issued a Report and Recommendation recommending that this case be dismissed without prejudice to re-filing and that this dismissal count as a strike pursuant to the Prison Litigation Reform Act (PLRA). [Doc. No. 7]. Plaintiff was advised of his right to object to the Report and Recommendation by June 12, 2024. No objection has been filed. Plaintiff has therefore waived any right to appellate review of the factual and legal issues in the Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 7] and DISMISSES this case without prejudice to refiling. This dismissal will count as a strike pursuant to the PLRA.

IT IS SO ORDERED this 21st day of June, 2024.


BERNARD M. JONES
UNITED STATES DISTRICT JUDGE